THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.12396 of 2007

Dated: 15.6.2007

Between:

Venkodoth Balaji.

.... PETITIONER

AND

The Chief General Manager HRD,
AP GENCO,
Kothagudem Thermal Power Station,
Kothagudem, Khammam District and 2 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 12396 of 2007

Order:

This writ petition has been filed seeking a direction to the respondents to regularise the services of the petitioner in the respondent Company as per B.P.Ms.No.37 dated 18.5.1997.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Company and at their request, the writ petition is taken up for final disposal at the admission stage.

The petitioner claims to have worked in the respondent company as a contract labourer from 1.2.1996 to 31.5.2004 and from 1.6.2006 to 28.2.2007. The grievance of the petitioner is that though he is entitled to be absorbed as per B.P.Ms.No.37 dated 18.5.1997 and approached the respondents in that regard, his case was not considered. According to the petitioner, the respondents have considered the cases of some other similarly placed employees who raised an industrial dispute.

Whether the petitioner worked as contract labour with the respondents from 01.02.1996 to 31.05.2004 and from 01.06.2006 to 28.02.2007, whether he is entitled to regularization of his services in terms of G.O. Ms. No. 37, dated 18.05.1997, and whether the respondents regularized the services of similarly placed employees, are disputed questions of fact, which cannot be adjudicated in a

proceeding under Article 226 of the Constitution of India, for they require adduction of evidence by both the parties, and the remedy of the petitioner is to approach the appropriate forum under the Industrial Disputes Act, 1947.

In the circumstances, the writ petition is dismissed. However, the petitioner is at liberty to approach the appropriate forum under the Industrial Disputes Act, 1947, for redressal of his grievance. No costs.

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N.V. RAMANA, J.

Date: 15.06.2007
msv